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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

Erik Estavillo,

Plaintiff,

v.

Activision Blizzard, Inc.

Defendant,

CASE NO. 5:19-cv-05540-EJD

Assigned To: Hon. Edward J. Davila
Courtroom: 4, 5th Floor

**Memorandum Presenting
Reasons Why Oral Arguments
Would Assist the Court**

1. Activision Blizzard Inc., as a US company, has again disrespected the Judicial process and this Federal Court by refusing to present any oral argument for its representation of Anti-Democratic and Anti-Hong Kong ideologies before the Honorable Edward J. Davila and disregarding any questions His Honor or the plaintiff may have had about this particular case in its entirety.

Since this is so, and the upcoming motion hearing has already been vacated, it is only suiting as I have no other recourse than to present my oral argument in written form via this Memoradum. This is what I was going to say at the upcoming motion hearing set for 12/12/2019 at 09:00 AM in San Jose, Courtroom 4, 5th floor. Here is my imporant, albeit brief opening statement that was to occur at the

1 motion hearing and goes as verbatim, "Good morning, your Honor. Whether you agree with his politics
2 or not, even President Donald Trump recently signed the Hong Kong Human Rights And Democracy Act,
3 which is an overwhelmingly bipartisan measure that was recently passed in congress. And as you may
4 already know your honor, by having read my complaint in-full, that Activision Blizzard Inc., has recently
5 banned blitzChung, a popular hearthstone player for saying 'free Hong Kong' during a Blizzard endorsed
6 tournament broadcast. He was banned and stripped of all monies he had earned.
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8 To further state why I'm so passionate for our democratic process is because it's the best in the
9 world and I'd also like to reiterate that my dad who is here with me is a two-tour Vietnam Veteran who
10 was gravely injured in that war but never stopped believing in our American way of life, which Blizzard
11 threatens every day. Blizzard is a persistant threat on our freedom of speech, expression, and on the
12 American way of life we enjoy everyday. Like other congress members such as Senator Marco Rubio (R)
13 and Congresswoman Alexandria Ocasio-Cortez (D), I believe Blizzard should be penalized and have to
14 pay some sort of punitive damages in this particular case. The punitive damages can even go to a charity
15 and not to me – the message being sent is the most important thing. But let's make no mistake, this is a
16 vital and important issue, especially this day in age. Activision Blizzard Inc. has shown time and time
17 again that they are willingly to and ably insouciantly violating consumer rights with inconsistent, caprice,
18 partial, and illegal ban/suspensions that they hand out daily to medically/mentally disabled players
19 throughout all of their video games, and more imporantly in their video game Overwatch; of which this
20 particular case is in relation to. This is being done everyday to gamers who haven't done anything
21 wrong, such as blitzChung.
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25 Lastly, I'd like to note I suffer from Crohn's disease, obsessive-compulsive disorder, panic
26 disorder and depression – as I have my medications here with me as you can see your Honor. There are
27 many mentally disabled gamers like me who are addicted to gaming, which is now recognized by The
28 World Health Organization (WHO) and has been labled as 'Gaming Disorder', which Activision Blizzard is

1 obviously guilty of helping spread. Other sufferers like me don't appreciate Blizzard acting like the 'drug
2 dealers' they are by attracting and getting the most vulnerable of the population, i.e. kids and the
3 mentally ill, such as myself hooked on their games. And to make matters even worse, Blizzard then
4 brings us addicted gamers to their 'virtual drug house' – which is their online community which they
5 label as a "live service". Once there, Blizzard continues to ban us if we don't act 'holy' enough as if they
6 built an online church. Believe me, they are not building online churches but rather are building vicious,
7 toxic, competitive online 'addiction centers' where everyone is angry, venting, and spending more
8 and more of our money on their 'services'. Which, ironically, they then take away with unjust bans and
9 suspensions, so that the purchasing cycle repeats itself and may continue to improve their profits. All
10 the while, Blizzard wants their addicted gaming consumers to act like Chinese Monks when playing any
11 one of their video games online and when communicating with other gamers. And if we don't say
12 anything politically correct, they kick us out of their 'online drug house' and tell us to get our 'fix' at a
13 different drug house (which means buying their video game all over again at a 'different online store'
14 despite them again reaping the benefits and profits from that particular purchase). But it's the only way
15 to play their video game again. So, essentially, Blizzard is forcing us to buy their game twice, thrice, or
16 even four times which is obviously beneficial for them for plain reasons. They make more revenue by
17 having every consumer buy three games instead of one. And they accomplish this by banning as many
18 people as possible so that we have to rebuy the game - inevitably increasing their revenue and
19 improving their bottom line."

2. Conclusion:

24 I have filed lawsuits in the past, always against video gaming companies when they're doing
25 wrong. I've never filed a lawsuit against a non-video gaming company or personal individual. Video
26 games are important to me. And different issues are important to different judges. The US Supreme
27 Court decides its cases based on if just 4 of the 9 justices find it worthy. But let's say just 3 judges found

1 the case worthy. That's not good enough. Much of the time very important issues to certain judges are
2 not heard while less important issues may be heard. It's all about perspective when it comes to which
3 cases are moot. I'm hoping that your Honor finds that this case is important since it does involve minors
4 who are agreeing everyday to Overwatch's EULA by simply pressing two buttons on a video game
5 controller. Doesn't seem "legally" binding to me. Seems more like a joke that these minors and the
6 mentally ill can agree to an EULA by pressing 'x' and then 'a'. Nonetheless, I will appeal to the Ninth
7 Circuit if this case is not heard and is dismissed.
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11 By: /s/ Erik Estavillo _____,

12 Erik Estavillo
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